

1                               BEFORE THE  
2                               ILLINOIS COMMERCE COMMISSION  
3                               TRANSPORTATION BENCH SESSION  
4  
5  
6  
7                               Chicago, Illinois  
8                               October 6, 2010  
9                               Met, pursuant to notice, at 10:30 a.m.  
10       BEFORE:  
11           MR. MANUEL FLORES, Acting Chairman  
12           MS. LULA M. FORD, Commissioner (telephonically)  
13           MS. ERIN M. O'CONNELL-DIAZ, Commissioner  
14           MR. SHERMAN J. ELLIOTT, Commissioner (via  
15           videoconference)  
16           MR. JOHN T. COLGAN, Acting Commissioner (via  
17           videoconference)  
18  
19  
20  
21       SULLIVAN REPORTING COMPANY, by.  
22       Auhdikiam Carney, CSR  
      License No. 084-004658

1           ACTING CHAIRMAN FLORES: Pursuant to the  
2 provisions of the Illinois Open Meetings Act, I now  
3 convene a regularly scheduled bench session of the  
4 Illinois Commerce Commission. With me in Chicago is  
5 Commissioner O'Connell-Diaz. Joining us in  
6 Springfield are Commissioners Elliott and Colgan, I  
7 am Acting Chairman Flores.

8                       We have a quorum.

9                       I believe Commissioner Ford is  
10 available by phone in Chicago.

11                      Are you there Commissioner Ford?

12           COMMISSIONER FORD: (No response.)

13           ACTING CHAIRMAN FLORES: The phone is not on.  
14 We're going to hold briefly to get Commissioner Ford  
15 on the phone.

16           COMMISSIONER FORD: Good morning.

17           ACTING CHAIRMAN FLORES: All right. So for the  
18 Commission rules, we must vote to allow Commissioner  
19 Ford to participate by phone.

20                      I'm going to make a motion to allow  
21 Commissioner Ford to participate by phone.

22                      Is there a second?

1 COMMISSIONER O'CONNELL-DIAZ: Second.

2 ACTING CHAIRMAN FLORES: Its been moved a  
3 seconded.

4 All in favor say "aye."  
5 (Chorus of ayes.)  
6 Any opposed?  
7 (No response.)  
8 The vote is 4-0 to allow Commissioner  
9 Ford to participate by phone.

10 Before moving into the agenda,  
11 according to Section 1700.10 of the Illinois  
12 Administrative Code, this is the time that we allow  
13 for members of the public to address the Commission.  
14 Members of the public wishing to address the  
15 Commission must notify the Chief Clerk's Office at  
16 least 24 hours prior to the bench session. According  
17 to the Chief Clerk's Office, we have no requests to  
18 speak at today's bench session.

19 Starting with the Transportation  
20 agenda, we have minutes to approve from the September  
21 9th bench session.

22 Is there a motion to approve the

1 minutes?

2 COMMISSIONER O'CONNELL-DIAZ: So moved.

3 ACTING CHAIRMAN FLORES: I will second it.

4 Its been moved a seconded.

5 All in favor I "aye."

6 (Chorus of ayes.)

7 Any opposed?

8 (No response.)

9 The vote is 5-0 approving the minutes  
10 for September 9th.

11 Moving to the railroad portion of  
12 today's agenda.

13 Item RR-1 is Docket No. T10-0140 and  
14 it concerns a Stipulated Agreement for public safety  
15 improvements at highway-rail grade crossings in Perry  
16 County. Staff recommends entering an Order approving  
17 the Stipulated Agreement.

18 Is there a motion to enter the Order?

19 COMMISSIONER O'CONNELL-DIAZ: So moved.

20 ACTING CHAIRMAN FLORES: I will second it.

21 Its been moved and seconded.

22 All in favor say "aye."

1                   (Chorus of ayes.)

2                   Any opposed?

3                   (No response.)

4                   The vote is 5-0. The Order is entered

5   and the Stipulated Agreement is approved. We will

6   use this 5-0 vote for the remainder of the

7   Transportation agenda unless otherwise noted.

8                   Item RR-2 is Docket No. T03-0089.

9   This item concerns public safety improvements at

10 highway-rail grade crossings in Cook County. Before

11 us today is a Third Supplemental Order in this case.

12 This Supplemental Order concludes the demonstration

13 period associated with the project and requires the

14 company to be responsible for administering the

15 maintenance of the vehicle detection component of the

16 four-quadrant gate warning systems at the crossings.

17 ALJ Duggan recommends entry of this Third

18 Supplemental Order.

19                   Is there any discussion?

20                   (No response.)

21                   Any objections?

22                   (No response.)

1                   Hearing none, the Third Supplemental  
2   Order is entered.

3                   Item RR-3 is Docket No T07-0112. This  
4   concerns a Stipulated Agreement for public safety  
5   improvements at a highway-rail grade crossing in  
6   Montgomery County. Before us today is a Fourth  
7   Supplemental Order allowing for additional time for  
8   the projects completion and Staff recommends that we  
9   enter it this Fourth Supplemental Order.

10                  Is there any discussion?

11                  (No response.)

12                  Any objections?

13                  (No response.)

14                  Hearing none, the Fourth Supplemental  
15   Order is entered.

16                  Moving now to the Motor Carriers  
17   portion of today's agenda.

18                  Items MC-1 and MC-2 can be taken  
19   together. These items concern Complaints filed by  
20   the ICC against Darnell J. Blalark and Zoom Brothers  
21   Incorporated regarding operating as an intrastate  
22   for-hire motor carrier property without a valid

1 public carrier certificate. In both cases Staff has  
2 brought a Motion for Default judgment with respect to  
3 the Complaint and ALJ Kirkland-Montaque recommends  
4 entering Orders granting those Motions.

5 Is there any discussion?

6 (No response.)

7 Any objection?

8 (No response.)

9 Hearing none, the Orders are entered  
10 and the Motions for Default Judgment are granted.

11 Item Mc-3 concerns Raphael Hernandez's  
12 Application for a Dispatcher's Employment Permit. In  
13 this case the applicant's original sponsor and  
14 employer no longer supports the application. ALJ  
15 Kirkland-Montaque recommends entering an Order  
16 denying the application without prejudice on these  
17 grounds.

18 Is there any discussion?

19 (No response.)

20 Any objections?

21 (No response.)

22 Hearing none, the Order is entered and

1 the application is denied.

2 Item MC-4 concerns an application by  
3 A-1 Towing Emergency Road Service for renewal of it's  
4 Commercial Relocation Towing License pursuant to  
5 Section 401 of the Illinois Commercial Relocation  
6 Trespassing Vehicles Law. Staff recommends entry of  
7 an Order granting the company's renewal application.

8 Is there any discussion?

9 (No response.)

10 Any objection?

11 (No response.)

12 Hearing none, the Order is entered and  
13 the license renewal is granted.

14 Mr. Matrisch, is there any further  
15 business to come before the Commission today?

16 MR. MATRISCH: Nothing further today, Chairman.  
17 Thank you.

18 ACTING CHAIRMAN FLORES: Very well. That  
19 concludes -- yes, ma'am.

20 COMMISSIONER O'CONNELL-DIAZ: I just thought  
21 this, but I just wanted to let everyone know that  
22 last week I was pleased to be invited to participate



1 in the DuPage Rail Safety Conference that was out in  
2 Oak Brook. It's a yearly event and I was there with  
3 our Rail Safety folks, and just I would like to  
4 report to the Commission that -- I don't know the  
5 numbers, but it was certainly a very well attended  
6 conference of municipal police, fire, safety  
7 officials from across our state as well as Metra  
8 officials.

9                   Without a doubt our Rail Safety  
10 Section was just afforded the accolades that they  
11 deserve and that they work really hard with regard to  
12 our peers programs, Operation Lifesaver, the work  
13 like we do every week with the orders that we enter,  
14 closing crossings that make travel on our highways  
15 and byways unsafe and with the hope of making it  
16 safer.

17                   But it was just a great thing to be  
18 out there with the people from our Rail Division and  
19 to see the high esteem that this Commission and the  
20 work that we do is held by those not at the  
21 Commission. We always hear the negative things,  
22 usually in the press, on a daily basis about the

1 Commission; but these are positive things they're  
2 doing everyday to save lives across our state and, in  
3 fact, they are a model that is used throughout the  
4 nation with the different programs we have that have  
5 been started at the Commission.

6                   So we have much to be proud of and we  
7 all get a little pat on the back because everyone has  
8 a part in the process. But it is our Rail Safety  
9 Section that really takes it to that higher level.  
10 So I just wanted to share that with everyone and  
11 thank our Rail Safety Section again.

12           ACTING CHAIRMAN FLORES: Thank you,  
13 Commissioner. And we also appreciate your  
14 participation and your work as the Chair of the  
15 Transportation Rail Policy Committee on behalf of the  
16 Commission. So I want to thank you for your  
17 participation as well and giving us the updates on  
18 the good work that our transportation and our rail  
19 folks are doing here at the ICC. Thank you.

20                   Mr. Matrisch, thank you for your  
21 outstanding work. Keep that team fired up so that we  
22 can continue to receive good reports like the one we

1     just received from Commissioner O'Connell-Diaz.   And  
2     that concludes today's transportation agenda.  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22